

### **REMARKS**

Claims 1-20 were pending and examined in this application. Through this paper, claims 1, 3, and 14 are amended without any intention of disclaiming equivalents thereof. New claims 21-35 are added. Support for amendments to claim 1 can be found in the specification, for example, at paragraph 8, 20, 24, 27, and 29, and in FIGS. 1, 3, and 4. Support for amendments to claim 3 can be found in the specification, for example, at paragraph 27, and in FIGS. 3 and 4. Claim 14 is amended with formal changes in view of amendments made to claim 1. Support for new claim 21 can be found in the specification, for example, at paragraph 20. Support for new claims 22-35 can be found throughout the specification, for example, at paragraphs 27-31. Applicants respectfully submit that no new matter is added.

After entry of this Amendment, claims 1-35 are pending.

### **Supplemental Information Disclosure Statement**

Applicants thank the Examiner for returning initialed copies of three pages of Form PTO-1449 submitted by Applicants. However, the Form PTO-1449 submitted through a Supplemental Information Disclosure Statement (SIDS) dated May 23, 2003 has not been returned, and Applicants hereby request such action by the Examiner as evidence that the submitted references have been duly considered by the Office. A copy of the return-receipt postcard, stamped May 27, 2003 by the Office, is enclosed under Exhibit A as proof that the SIDS was received prior to the mailing of the first action. A copy of the Form PTO-1449 at issue is also enclosed under Exhibit A for the Examiner's convenience.

### **Claim Rejections under 35 U.S.C. § 102**

Claims 1, 3-5, 7-14, and 16-19 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,214,036 to Letendre et al. (hereinafter "Letendre").

Claim 1 is being amended to recite that one of the male locking body member and female lock receiving body member comprises an alignment extension while the other comprises an extension receiving cutout. See Application, FIG. 1 (parts 26 and 42). The

alignment extension and the cutout are adapted for axially aligning the male locking body member and the female lock receiving body member for engagement. Id., at paragraphs 27 and 29.

Letendre, in contrast, does not describe any alignment extension or a corresponding cutout in either its precursor stent or its delivery apparatus that would axially align the stent and the delivery apparatus. See Letendre, FIGS. 1 and 5. As a result, an operator using Letendre's device has to assemble the stent into the delivery apparatus outside the patient. Once Letendre's stent is released from the delivery apparatus inside the patient body, there is no mechanism for axially aligning the two for engagement. In other words, once fully released, the stent cannot be retrieved by the delivery apparatus. See Letendre, FIG. 5 and col. 7, line 64-col. 8, line 3. Therefore, Letendre does not teach or suggest all the limitations of amended claim 1.

Claim 3 is being amended to recite that the lock operating sheath operates to reversibly engaging the male locking body member with the female lock receiving body member. In contrast, Letendre describes having a sheath as part of the delivery apparatus. See Letendre, FIGS. 2 and 5; and col. 7, lines 17-34. Once the stent and the delivery device separate from each other, the sheath does not slide over the expanded legs 20, and therefore, cannot reversibly engage the legs 20 with grooves 54. Id., FIG. 5. Therefore, Letendre does not teach or suggest all the limitations of amended claim 3 either.

Because Letendre does not teach or suggest all the recited limitations, amended claims 1 and 3, and dependent claims of claim 1, namely, claims 4, 5, 7-14, and 16-19 are patentable over Letendre. Applicants respectfully request the reconsideration and withdrawal of all the rejections under 35 U.S.C. § 102(e).

#### Claim Rejections under 35 U.S.C. § 103

Claims 2, 6, 15, and 20 are rejected under 35 U.S.C. § 103(a) over Letendre. All of these claims depend from amended claim 1, which, as discussed above, is novel over Letendre. Accordingly, Applicants submit that claims 2, 6, 15, and 20 are also novel and

non-obvious over Letendre. And Applicants respectfully request the reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a).

New Claims

New claims 21-35 include two independent claims. Independent claim 22 recites the limitation of a sheath that reversibly releases and immobilizes the locking member. Independent claim 33 recites a method of retrieving a medical implant. At least for the reasons stated above, both claims 22 and 33, and their respective dependent claims, are novel and non-obvious over the cited reference. Applicants respectfully request a telephonic interview if the Examiner is interested in discussing the patentability of these new claims.

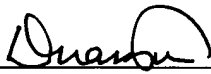
Summary

Applicants respectfully request that the Examiner reconsider the application and claims 1-35 in light of the foregoing amendment and remarks, and respectfully submit that the claims, as amended, are in condition for allowance.

Respectfully submitted,

Date: April 16, 2004  
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(see attached)

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